

# **SEYCHELLES 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Seychelles is a multiparty republic governed by a president, cabinet of ministers, and the National Assembly. In joint presidential and legislative elections in 2020, voters elected six-time presidential candidate Wavel Ramkalawan of the opposition party Seychellois Democratic Union with 54.9 percent of the vote. The Seychellois Democratic Union party won 20 of 26 seats in the National Assembly. International election observers determined the elections were free, credible, and transparent, despite some reports of vote buying and voter intimidation.

The Seychelles Police Force has primary responsibility for internal security and reported to the minister of internal affairs. During the year the government closed the Anti-Narcotics Bureau following allegations of corruption. The Seychelles Defense Forces, composed of the infantry, the special forces, the coast guard, and the air force, were given police powers on June 14 after the constitution was amended. These military services report to the president, who acts as minister of defense. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses while assisting police conducting antinarcotic operations.

Significant human rights issues included credible reports of: lack of investigation of and accountability for gender-based violence and violence against children; and the worst forms of child labor.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or might be involved in corruption. Those mechanisms were used.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or

unlawful killings.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Impunity was not a significant problem in the security forces.

## **Prison and Detention Center Conditions**

There were no significant reports regarding government-run prisons that raised human rights concerns. Detainees complained of poor conditions of holding cells at police stations, highlighted in a report by the Seychelles Human Rights Commission, as well as by lawyers of some high-profile detainees involved in a corruption and terrorism case. Prison conditions continued to improve during the year, with a decrease in the inmate population; an expansion of prison facilities, rehabilitation programs, and leisure activities; and fewer incidents of prisoner-on-prisoner violence.

**Abusive Physical Conditions:** A separate holding facility for pretrial male detainees was situated in Victoria. Juvenile pretrial detainees and juvenile convicted prisoners continued to be held with adult prisoners.

**Administration:** Authorities conducted investigations in credible cases of mistreatment in the prison.

**Independent Monitoring:** The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The UN Office on Drugs and Crime, local nongovernmental organizations (NGOs), and community groups visited the facilities during the year.

**Improvements:** The Prison Service continued to improve its rehabilitation

services during the year, including improvements to the Montagne Posee prison facility, the country's primary prison. The Prison Service also introduced therapeutic activities such as a dog rescue shelter, more leisure time, and educational programs.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

The law requires warrants for arrests, except for persons arrested under a law that allows police to arrest and detain persons suspected of drug possession, use, importation, and trafficking. Individuals arrested must be brought before a magistrate within 24 hours, with allowance made for travel from distant islands. Police generally respected this requirement. The law provides for detention without criminal charge for up to 14 days if authorized by court order. Authorities generally notified detainees of the charges against them and generally granted family members prompt access to detainees. Detainees have the right to legal counsel, and indigents generally received free counsel on all cases, including felony cases. Courts allowed bail in most cases, except for high profile drug, murder, corruption, and terrorism cases.

**Pretrial Detention:** The law provides that remand (pretrial) prisoners be released on bail after six months of detention if their cases have not been heard. Several detainees in high-profile corruption, terrorism, and drug trafficking cases were held on prolonged remand detention for more than one year. These cases carried a possible sentence of more than 20 years in prison. No cases were reported where the length of pretrial detention equaled or exceeded the maximum sentence for the alleged crime.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary. The government

generally respected judicial independence and impartiality. Authorities generally respected court orders.

### **Trial Procedures**

Both the constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts.

### **Property Seizure and Restitution**

The government established the Truth, Reconciliation, and National Unity Commission (TRNUC) in 2019 to investigate and settle claims of forced land acquisitions and human rights abuses stemming from the 1977 military takeover. The TRNUC completed its mandate in August. Many case determinations remained unfinished and the TRNUC requested an extension. The president granted the extension to the end of December. In October 2021 the government launched a scheme to return land forcefully acquired or purchased by the state from 1977 to 1993. Applicants had three months to lodge a claim (see also section 5, Government Human Rights Bodies).

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and**

## Other Media

The constitution and law provide for freedom of speech and press, including for members of the press and other media, and the government generally respected this right. An independent press and judiciary, and a functioning democratic political system, combined to promote freedom of expression, including for the press.

**Freedom of Expression:** Following the 2020 elections, individuals continued to be more willing to exercise their freedom of speech, criticizing the government with less fear of reprisal, such as harassment by police or the loss of jobs or contracts as was the case in previous years. For example, the Seychelles Broadcasting Corporation (SBC) hosted several programs on current affairs often critical of government, including *Lopinyon* (Opinion), which allowed multiple voices to air their opinions on government decisions, press conferences and scheduled political broadcasts by all parties. Only opposition parties took part in the political broadcasts. Members of the opposition United Seychelles Party said that individuals feared expressing their opinions due to insults on social media and criticized the SBC for stifling opposition voices.

**Violence and Harassment:** Journalists were generally free to do their work and were not subjected to violence, but many complained of harassment and intimidation and harsh criticisms by authorities due to their reporting. In November the president summoned SBC officials following critical reporting of a government minister's role in a traffic accident. Journalists protested government interference and asserted they were being intimidated by high-level government officials, including the president. In December 2021 the editor of Seychelles News Agency, Rassin Vannier, had his mobile phone confiscated by police while reporting in court. When he reported to the police headquarters to retrieve his mobile phone, a police officer verbally abused and threatened him.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** The law allows the minister of information technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable.” The law also requires telecommunication companies to submit subscriber information to the government. Following elections in 2020, journalists were more proactive in challenging authorities and

practiced less self-censorship than in previous years. The high cost for requesting documents from the Office of the Registrar continued to limit journalists' access to information regarding land transactions, which were important when investigating corruption.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content and there were no reports that the government monitored private online communications without appropriate legal authority.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for freedoms of peaceful assembly and association, and the government generally respected this right.

### **Freedom of Peaceful Assembly**

The law requires organizers of gatherings of 10 or more persons to inform the police commissioner five working days prior to the date proposed for the planned gathering. The police commissioner may impose conditions or deny the right to assemble on security, morality, and public safety grounds. The commissioner may also set conditions on the timing and location of gatherings.

The government limited the exercise of the freedoms of peaceful assembly during the year due to the COVID-19 pandemic. As of July, public health authorities allowed public gatherings, including political rallies, based on standard operating procedures of each venue. Because of these restrictions, there were few public demonstrations and marches during the year.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provide for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these related rights. Following reduction in COVID-19 cases, all travel restrictions were lifted.

**Foreign Travel:** The Seychelles Human Rights Commission criticized as unconstitutional an electronic travel application, introduced during the pandemic, that required citizens to request authorization to enter the country. During the year, the government removed a fee imposed on all passengers entering the country, following allegations the fee violated the right of a citizen to enter his or her own country.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Nevertheless, the country cooperated with UNHCR, which registered asylum seekers and conducted refugee status determinations. In August the government deported two Yemeni nationals, who were refugees recognized by UNHCR, to Somalia and the UAE, respectively.

**Temporary Protection:** During the year, the government provided temporary protection to individuals who may not qualify as refugees, including individuals from Ukraine.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage; however, citizens residing overseas were not permitted to vote.

### **Elections and Political Participation**

**Recent Elections:** In the 2020 joint presidential and legislative elections, Wavel

Ramkalawan of the opposition Seychellois Democratic Union (LDS) party won 54.9 percent of the vote, incumbent president Danny Faure of the United Seychelles Party won 43.5 percent, and third-party candidate Alain St. Ange won 1.6 percent. The LDS also won 20 of 26 seats in the National Assembly, with the former ruling party United Seychelles winning the remaining six seats. The LDS received an additional five proportionately elected National Assembly seats, and United Seychelles received an additional four proportionately elected seats.

Approximately 78 percent of the electorate voted in the elections, with 1.9 percent of ballots spoiled. International election observers from the East Africa Standby Force determined the elections to have been free, credible, and transparent, despite some reports of vote buying and voter intimidation.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women and members of minority groups in the political process, and they did regularly participate. The Electoral Commission Seychelles makes provision for the participation of persons with physical disabilities by installing temporary ramps at polling stations. Persons with physical disabilities can request assistance from the officer in charge of the polling station to vote. There was no provision for persons with visual disabilities to have braille ballot papers.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corruption by officials, and the government implemented the law effectively. There were isolated reports of government corruption during the year.

The law gives the Anti-Corruption Commission of Seychelles (ACCS) law enforcement powers, authority, and privileges. The ACCS may investigate and prosecute cases of corruption outside the purview of the Attorney General's Office.

**Corruption:** Three persons, including the former chief executive of the Small Business Financing Agency Rosanda Alcindor, were charged with corruption, abuse of power, and destruction of documents in a case involving loans of the Small Business Financing Agency.



In 2021 ACCS arrested businessman and former government official Mukesh Valabhji and his wife for their alleged involvement in the 2002 embezzlement of \$50 million in aid from Abu Dhabi. The investigation led to more high-profile arrests, including the widow of former president Albert Rene, a high-ranking military officer who is Rene's son, and the former minister of finance. Prominent business operator and former socialist bureaucrat under the Rene regime, Mukesh Valabhji, his wife, and Leslie Benoiton were the only accused still in detention. The other detainees were released on bail during the year. The trial continued at year's end.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. The Office of the President has the responsibility to engage with NGOs. The government consulted NGOs on most matters of national concern and appointments to boards of national organizations and agencies. An umbrella organization grouping various NGOs, Citizens Engagement Platform Seychelles (CEPS), was the focal point for all NGO activities and received funding from the government for projects and general operations. CEPS complained that government did not consult with civil society regarding the introduction of new legislation.

**Government Human Rights Bodies:** The Human Rights Commission continued with a series of educational campaigns to improve the public's knowledge and understanding of human rights. The commission also received a grant from the EU to do a three-year project for the promotion of human rights in the country. The project is expected to include training for government officials, including law enforcement officers, media, and civil society.

The TRNUC heard cases of alleged human rights abuses and property expropriations throughout the year. The TRNUC heard cases regarding unlawful

killings, disappearances, forced land acquisitions, and victimization related to the 1977 military takeover. The TRNUC heard several amnesty applications, but no determination was made public at the year's end. It held several meetings regarding the modalities for compensation, and it has the mandate to refer crimes to the attorney general for prosecution. The TRNUC heard 374 cases of which 360 were deemed admissible cases. The TRNUC chairperson criticized the government for not giving the commission the necessary resources to achieve its mandate. Those seeking amnesty from the TRNUC were heard and were given the chance to say why they deserved amnesty. The final verdict was expected to be known once the report was completed.

The constitution established the Office of the Ombudsman in 1993. The ombudsperson is appointed by the president from candidates nominated by the Constitutional Appointments Authority. The ombudsperson may investigate any public authority up to and including the president, including complaints of abuse of fundamental rights and allegations of corruption by public officials. The ombudsperson severely criticized the amendment of the constitution giving the military police powers and filed a petition along with the Seychelles Human Rights Commission and the Bar Association in the Constitutional Court.

Authorities rarely used the inquiry board (a police complaint office) but instead established independent inquiry commissions. Private attorneys generally filed complaints with police or published them in media outlets.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, spousal rape, and domestic abuse of women and men are criminal offenses for which conviction is punishable by up to 20 years' imprisonment. Sexual assault remained a problem, but there was increased reporting of sexual assault cases. Authorities in general did not prioritize domestic abuse cases, and police were undertrained in handling sexual assault cases. Many survivors did not report rape or sexual assault due to social stigma and a reluctance to start lengthy court cases.

Domestic violence against women was a widespread problem. The Social Affairs Division of the Ministry of Youth, Sports, and Family and NGOs provided counseling services to survivors of domestic violence and conducted gender-based violence training sessions.

**Sexual Harassment:** The law prohibits sexual harassment, but enforcement was rare. The law provides no penalty for conviction of sexual harassment, although a court may order a person accused of such conduct to “keep a bond of peace” that allows a court to assess a fine if the harasser fails to cease the harassment. In the workplace, the law states that an employer may not harass a worker. The Principal Secretary for Employment, Jules Baker, was investigated for harassment during the year, but no charges were filed against him, and he resumed his duties after a suspension.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to contraceptives for persons aged 18 or older, but the law prohibits access to contraceptives for individuals younger than 18 even though the legal age of consent is 15. First-time mothers from the country’s other islands were required to travel to the main island of Mahe to give birth. Midwives were used for delivery unless the services of a doctor were required due to health concerns involving either the mother or the child, or a cesarian section was required. Nurses were responsible for both prenatal and postnatal care unless the mother or child had health concerns. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was given as part of clinical management of rape, as was antiretroviral medicine.

Men and women had access to diagnosis and treatment for sexually transmitted diseases. The country’s high adolescent birth rate of 61 births per 1,000 women between the ages of 15 and 19 was a concern. All services related to reproductive health, as well as other health matters, were free in state-operated facilities. Information on government assistance to survivors of sexual assault was not

available. Menstruation did not impede girls' access to education. Free sanitary products were made available in all schools by the state and philanthropists to minimize absenteeism in schools.

**Discrimination:** Although society is largely matriarchal, the law provides for the same legal status and rights for men as for women, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. There were no reports of women experiencing discrimination in marriage, divorce, child custody, education, the judicial process, in other institutions, or in housing. The government enforced the law effectively. While unwed mothers traditionally bear the burden of supporting their children, the law requires fathers to support their children financially. The law provides fathers with 10 days of paid paternity leave upon the birth of a child; mothers are provided with 16 weeks of maternity leave after birth. Women employees can also receive an additional four weeks of unpaid leave that can be taken before or after birth. The law provides equal rights to all children, including in the sharing of inheritance. The law also addresses the sharing of property in married or unmarried intimate partner relationships.

There was no officially sanctioned economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Women were well represented in both the public and private sectors. Inheritance laws do not discriminate against women. Women do not face any discrimination based on marital status.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution specifically provides equal protection to all persons, but there are no laws that provide specific protections to racial or ethnic minorities from violence or discrimination. The country does not have an indigenous population. The entire population consists of immigrants and descendants of French and English settlers, enslaved laborers from Africa, indentured laborers from South Asia, and settlers from East Asia. This population is homogenous in its racial and ethnic culture. Local society viewed all citizens on the island as ethnically Creole. The government did not distinguish other ethnicities along with that identification

(e.g., Franco-Creole, Indo-Creole, etc.). Because of generations of intermarriage between all races on the island, there was little inequality, discrimination, or violence based on race or ethnicity. During the year there were no reports of such incidents. Social media, however, has grown as an outlet for racial vitriol directed at specific communities in the country. During the year there were no reports that these messages fueled violence.

## **Children**

**Birth Registration:** Citizenship is derived by birth in the country or, if born abroad, from citizen parents, and births in the country were generally registered immediately. The law for registration of births includes a two-month deadline for registration and a requirement that a newborn be examined by a doctor before registration. There is also a registry for overseas births. Under the law, local committees must make sure all births are registered, even if the child's parents are unknown. All children whose births are registered may receive public services.

**Child Abuse:** Although the law prohibits physical abuse of children, child abuse was a problem. According to NGOs, physical abuse of children was prevalent. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. The law prohibits corporal punishment in schools and at home.

**Child, Early, and Forced Marriage:** Child marriage was not a significant problem. The minimum age for marriage is 18 for men and women.

**Sexual Exploitation of Children:** The law defines a child as a person younger than age 18 and criminalizes practices related to child pornography, using children for commercial sexual exploitation, sale, grooming for commercial exploitation, and child sex trafficking. The law prohibits child pornography, but enforcement was a problem. The minimum age for consensual sex is 15, but a person younger than 18 cannot legally access contraceptives. Child sexual abuse remains a problem. In February a man from the island of Praslin was sentenced to 30 years' imprisonment for sexually assaulting a girl aged nine. In December the Appeals Court reduced his sentence to 17 years.

## **Antisemitism**

The Jewish community numbered fewer than 25 persons. There were no reports of antisemitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** There are no laws criminalizing consensual same-sex sexual conduct between adults or so-called cross dressing, including de facto discrimination, such as laws covering “debauchery.” No other laws are used to de facto criminalize, threaten, or extort lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals.

**Violence Against LGBTQI+ Persons:** There were no reports during the year of violence against LGBTQI+ persons, nor reports that authorities condoned or tolerated violence against LGBTQI+ persons.

**Discrimination:** The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity, or expression of sex characteristics and recognized LGBTQI+ individuals. While same-sex relationships are legal, same-sex marriage is illegal and the law does not recognize same-sex couples or their families. The country does not recognize same-sex marriages registered abroad. Adoption by same-sex couples is illegal. The government enforced these laws.

There were few reports of discrimination against LGBTQI+ persons, although activists stated discrimination and stigma were common. LGBTQI+ persons stated that the government discriminated against them when applying for public housing, applying for resident and work permits for same-sex spouses, and sometimes via

unfriendly officers when engaging with police. LGBTI Sey, an NGO, met with the president during the year and highlighted several concerns, including bullying, education, and health.

**Availability of Legal Gender Recognition:** The law and practices do not allow for persons to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity. The option to identify as nonbinary, intersex, or gender-nonconforming was not available. LGBTI Sey requested that the Ministry of Health provide clear guidelines for transgender individuals regarding access to hormone treatment therapy and to allow updating identity documents to reflect gender identity. In 2017 Jezebel Barbe's appeal to have her gender of record legally registered was rejected by the Court of Appeal. In 2020 she took her case to the United Nations Human Rights Commission; the case was still pending.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There were no reports of such practices.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no reports of restrictions to freedom of expression, association, or peaceful assembly for LGBTQI+ persons, nor were there restrictions on LGBTQI+ organizations to register or convene events.

## **Persons with Disabilities**

Not all persons with disabilities could access education, public buildings, and transportation on an equal basis with others. The government provided universal access to health services. Although the constitution and law provide for special protections for persons with physical, sensory, intellectual, and mental disabilities, including reasonable provisions for improving quality of life, no laws address access to public buildings, transportation, or government services, and the government did not provide such services. Government information and communication on disability concerns were not provided in accessible formats such as braille or sign language. Most children with disabilities were segregated in specialized schools. The government has a department for elderly and disability matters under the Ministry of Youth, Sport, and Family.

There were no reports of violence or harassment of persons with disabilities by government officials, police, health officers or teachers, but NGOs advocated for more compassion, support, and resources for persons with disabilities.

There were no reports of discrimination in employment and occupation against persons with disabilities (see section 7.d.). The government did not have a program to assist disabled persons in finding employment. The Vocational Training Center, which had trained young persons with disabilities, remained closed for the second year, with no alternatives provided for young persons with disabilities. Government inaction to develop the potential of persons with disabilities, through education or employment, limited their participation in civic life.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows all workers, excluding police, military, prison, and firefighting personnel, to form and join independent unions and to bargain collectively. The law confers discretionary powers to the registrar of associations and companies to refuse registration of unions. Strikes are illegal unless arbitration procedures are first exhausted. Legislation requires that two-thirds of union members vote for a strike in a meeting specifically called to discuss the strike and provides the government with the right to call for a 60-day cooling-off period before a strike starts. The law provides for the minister responsible for employment to declare a strike unlawful if its continuance would endanger “public order or the national economy.” Anyone convicted of calling an illegal strike may receive a substantial monetary fine and be imprisoned for up to six months.

Between 15 and 20 percent of the workforce was unionized. The law prohibits antiunion discrimination. It does not specifically state that foreign or migrant workers have the right to join a union. The government has the right to review and approve all collective bargaining agreements in the public and private sectors. The law also imposes compulsory arbitration in all cases where negotiating parties do not reach an agreement through collective bargaining.



The government did not require adherence to all labor, property, tax, business, or immigration laws in the Seychelles International Trade Zone (SITZ), the country's export-processing zone. The Public Service Appeals Board handles employment disputes for public-sector employees, the Employment Tribunal handles disputes in the private sector, and the Financial Services Authority deals with employment disputes of workers in SITZ. The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits, and workers frequently won redress of grievances against employers through the ministry or the employment tribunal.

The government rarely applied penalties against violators of freedom of association protections. Cases involving citizens were often subject to lengthy delays and appeals, while foreigners were often deported.

The government enforced the law and generally respected workers' rights to participate in union activities and collective bargaining. Two new labor unions were registered increasing union activity. The International Labor Organization (ILO) noted that industrial relations law allows employers or their organizations to interfere by promoting the establishment of worker organizations under their control, which is inconsistent with ILO conventions on freedom of association. There were no reports of workers dismissed for union activity.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but government enforcement was ineffective. Resources, inspections, and remediation efforts were inadequate. There were NGO and media reports that forced labor occurred in the fishing, agriculture, and construction sectors, where most of the country's nearly 17,000 migrants worked. Investigations into labor trafficking increased, and the government increased resources for victim assistance. There were several reports by the Association of Rights Information and Democracy, media, and the Trafficking in Persons Secretariat concerning cases of forced labor, substandard living conditions, and nonpayment of salaries.

Migrant workers in the formal sector, including individuals from Bangladesh, India, the People's Republic of China, Kenya, Madagascar, Philippines, as well as

other countries in South Asia, made up approximately 20 percent of the working population. The number of migrant workers decreased slightly at the height of the COVID-19 pandemic. They were employed primarily in construction, agriculture, and commercial fishing sectors where traffickers sometimes subjected them to forced labor, including nonpayment of wages, physical abuse, fraudulent recruitment schemes, delayed payment of salaries, and failure to provide adequate housing, resulting in substandard living conditions. There were also reports of employers confiscating passports to prevent workers from changing employers prior to the end of their two-year contracts.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination based on race, age, gender, color, nationality, language, religion, disability, HIV status, sexual orientation, or political or professional association (see section 6).

Penalties levied came in the form of fines and were commensurate with those for similar violations. Penalties regularly applied against violators.

The law prohibits discrimination in employment based on gender. By law women may register a business in the same way as men, but there were no laws mandating equal pay for equal work or equal access to credit.

Migrant workers faced documented rights violations, including discriminatory wage practices, abusive working conditions, concentration of migrants in hazardous occupations, and lack of access to information, for low-skilled migrant workers, including domestic workers.

Sexual harassment in workplaces, particularly in tourism establishments, was a

concern.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The government set mandatory minimum wage rates for employees in both the private and public sectors. The minimum wages were above the poverty line.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector. Regulations entitled each full-time worker to a one-hour break per day and a minimum of 21 days of paid annual leave, including paid annual holidays. Regulations permitted overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

**Occupational Safety and Health:** The Ministry of Health issued comprehensive occupational safety and health (OSH) regulations that were up to date and appropriate for the main industries. The law allows citizen workers to remove themselves from dangerous or unhealthy work situations, to report the employer to the Health and Safety Commission of the Department of Employment, and to seek compensation without jeopardizing their employment. The law provides for the protection of foreign workers.

**Wage, Hour, and OSH Enforcement:** The Ministry of Health, the Department of Employment, and the Trafficking in Persons Task Force are responsible for visiting and inspecting worksites and workers' accommodations. The government did not effectively enforce the law. Resources, inspections, and remediation were inadequate. Penalties levied were not commensurate with those prescribed for analogous violations, such as fraud. Penalties were sometimes applied against violators.

Occupational accidents occurred most frequently in the accommodations, food services, transport, and storage industries.

**Informal Sector:** According to the Ministry of Employment and Social Affairs, informal employment was approximately 15 percent of the labor force in 2021. Sectors with informal employment included agriculture, fishing, and construction. There are no government agency supporting workers in the informal sector, but

workers have resorted to the courts in cases of dispute.